



MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY
WATER RESOURCES DIVISION
PERMIT

Issued To:

David Favero
1505 Woodward Ave Ste 200
Detroit, MI 48226

Permit No: WRP019885 v.1
Submission No.: HNT-09MT-RQM1E
Site Name: RACER-Saginaw Nodular Indust
Issued: January 16, 2020
Revised:
Expires: January 16, 2025

This permit is being issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division, under the provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA); specifically:

- | | |
|---|---|
| <input type="checkbox"/> Part 301, Inland Lakes and Streams | <input type="checkbox"/> Part 323, Shorelands Protection and Management |
| <input checked="" type="checkbox"/> Part 303, Wetlands Protection | <input type="checkbox"/> Part 325, Great Lakes Submerged Lands |
| <input type="checkbox"/> Part 315, Dam Safety | <input type="checkbox"/> Part 353, Sand Dunes Protection and Management |
| <input checked="" type="checkbox"/> Part 31, Water Resources Protection (Floodplain Regulatory Authority) | |

Permission is hereby granted, based on permittee assurance of adherence to State of Michigan requirements and permit conditions, to:

Authorized Activity:

Removal of 60 linear feet by 20 linear feet of hazardous waste requested by EPA. Fill 60 linear feet by 20 linear feet with sand once project is done. Excavate 45 cubic yards of material and place up to 45 cubic yards of fill within the 100-year floodplain of the Saginaw River, in accordance with the attached plans and specifications of this permit.

Waterbody Affected: Emergent Wetland and Saginaw Floodplain
Property Location: Saginaw County, City of Saginaw, T 12 N/R 05 E/Section 05

Authority granted by this permit is subject to the following limitations:


- A. Initiation of any work on the permitted project confirms the permittee's acceptance and agreement to comply with all terms and conditions of this permit.
- B. The permittee, in exercising the authority granted by this permit, shall not cause unlawful pollution as defined by Part 31 of the NREPA.

- C. This permit shall be kept at the site of the work and available for inspection at all times during the duration of the project or until its date of expiration.
- D. All work shall be completed in accordance with the approved plans and specifications submitted with the application and/or plans and specifications attached to this permit.
- E. No attempt shall be made by the permittee to forbid the full and free use by the public of public waters at or adjacent to the structure or work approved.
- F. It is made a requirement of this permit that the permittee give notice to public utilities in accordance with 2013 PA 174 (Act 174) and comply with each of the requirements of Act 174.
- G. This permit does not convey property rights in either real estate or material, nor does it authorize any injury to private property or invasion of public or private rights, nor does it waive the necessity of seeking federal assent, all local permits, or complying with other state statutes.
- H. This permit does not prejudice or limit the right of a riparian owner or other person to institute proceedings in any circuit court of this state when necessary to protect his rights.
- I. Permittee shall notify EGLE within one week after the completion of the activity authorized by this permit by completing and forwarding the attached preaddressed postcard to the office addressed thereon.
- J. This permit shall not be assigned or transferred without the written approval of EGLE.
- K. Failure to comply with conditions of this permit may subject the permittee to revocation of permit and criminal and/or civil action as cited by the specific state act, federal act, and/or rule under which this permit is granted.
- L. All dredged or excavated materials shall be disposed of in an upland site (outside of floodplains, unless exempt under Part 31 of the NREPA, and wetlands).
- M. In issuing this permit, EGLE has relied on the information and data that the permittee has provided in connection with the submitted application for permit. If, subsequent to the issuance of a permit, such information and data prove to be false, incomplete, or inaccurate, EGLE may modify, revoke, or suspend the permit, in whole or in part, in accordance with the new information.
- N. The permittee shall indemnify and hold harmless the State of Michigan and its departments, agencies, officials, employees, agents, and representatives for any and all claims or causes of action arising from acts or omissions of the permittee, or employees, agents, or representative of the permittee, undertaken in connection with this permit. The permittee's obligation to indemnify the State of Michigan applies only if the state: (1) provides the permittee or its designated representative written notice of the claim or cause of action within 30 days after it is received by the state, and (2) consents to the permittee's participation in the proceeding on the claim or cause of action. It does not apply to contested case proceedings under the Administrative Procedures Act, 1969 PA 306, as amended, challenging the permit. This permit shall not be construed as an indemnity by the State of Michigan for the benefit of the permittee or any other person.
- O. Noncompliance with these terms and conditions and/or the initiation of other regulated activities not specifically authorized shall be cause for the modification, suspension, or revocation of this permit, in whole or in part. Further, EGLE may initiate criminal and/or civil proceedings as may be deemed necessary to correct project deficiencies, protect natural resource values, and secure compliance with statutes.
- P. If any change or deviation from the permitted activity becomes necessary, the permittee shall request, in writing, a revision of the permitted activity from EGLE. Such revision request shall include complete documentation supporting the modification and revised plans detailing the proposed modification. Proposed modifications must be approved, in writing, by EGLE prior to being implemented.
- Q. This permit may be transferred to another person upon written approval of EGLE. The permittee must submit a written request to EGLE to transfer the permit to the new owner. The new owner must also submit a written request to EGLE to accept transfer. The new owner must agree, in writing, to accept all conditions of the permit. A single letter signed by both parties that includes all the above information may be provided to EGLE. EGLE will review the request and, if approved, will provide written notification to the new owner.
- R. Prior to initiating permitted construction, the permittee is required to provide a copy of the permit to the contractor(s) for review. The property owner, contractor(s), and any agent involved in exercising the permit are held responsible to ensure that the project is constructed in accordance with all drawings and specifications. The contractor is required to provide a copy of the permit to all subcontractors doing work authorized by the permit.

- S. Construction must be undertaken and completed during the dry period of the wetland. If the area does not dry out, construction shall be done on equipment mats to prevent compaction of the soil.
- T. Authority granted by this permit does not waive permit requirements under Part 91, Soil Erosion and Sedimentation Control, of the NREPA, or the need to acquire applicable permits from the County Enforcing Agent (CEA).
- U. Authority granted by this permit does not waive permit requirements under the authority of Part 305, Natural Rivers, of the NREPA. A Natural Rivers Zoning Permit may be required for construction, land alteration, streambank stabilization, or vegetation removal along or near a natural river.
- V. The permittee is cautioned that grade changes resulting in increased runoff onto adjacent property is subject to civil damage litigation.
- W. Unless specifically stated in this permit, construction pads, haul roads, temporary structures, or other structural appurtenances to be placed in a wetland or on bottomland of the water body are not authorized and shall not be constructed unless authorized by a separate permit or permit revision granted in accordance with the applicable law.
- X. For projects with potential impacts to fish spawning or migration, no work shall occur within fish spawning or migration timelines (i.e., windows) unless otherwise approved in writing by the Michigan Department of Natural Resources, Fisheries Division.
- Y. Work to be done under authority of this permit is further subject to the following special instructions and specifications:
1. Authority granted by this permit does not waive permit or program requirements under Part 91 of the NREPA or the need to acquire applicable permits from the CEA. To locate the Soil Erosion Program Administrator for your county, visit www.mi.gov/eglestormwater and select "Soil Erosion and Sedimentation Control Program" under "Related Links."
 2. The authority to conduct the activity as authorized by this permit is granted solely under the provisions of the governing act as identified above. This permit does not convey, provide, or otherwise imply approval of any other governing act, ordinance, or regulation, nor does it waive the permittee's obligation to acquire any local, county, state, or federal approval or authorization necessary to conduct the activity.
 3. No fill, excess soil, or other material shall be placed in any wetland, floodplain, or surface water area not specifically authorized by this permit, its plans, and specifications.
 4. This permit does not authorize or sanction work that has been completed in violation of applicable federal, state, or local statutes.
 5. The permit placard shall be kept posted at the work site in a prominent location at all times for the duration of the project or until permit expiration.
 6. Prior to the initiation of any permitted construction activity, a sedimentation barrier shall be installed along the entire route of the disturbed wetland area and maintained in good working order until permanent stabilization and re-vegetation of all disturbed areas has occurred. The sedimentation barrier shall be removed after re-vegetation.
 7. Construction must be undertaken and completed during the dry period of the wetland, or when frozen.
 8. If the area does not dry out or freeze, construction shall be done on equipment mats to prevent compaction of the soil.
 9. Upon completion of the project, the disturbed wetland areas shall be restored to the original contour elevation, revegetated and reseeded with species native to Michigan appropriate to the site, and mulched to prevent erosion.
 10. All fill/backfill shall consist of clean inert material which will not cause siltation nor contain soluble chemicals, organic matter, pollutants, contaminants or **broken concrete**. All fill shall be contained in such a manner so as not to erode into any surface water, floodplain, or wetland. All raw areas associated with the permitted activity shall be stabilized with sod and/or seed and mulch, riprap, or other technically effective methods as necessary to prevent erosion.
 11. The design flood or 1% annual chance (100-year) floodplain elevation at this location on the Saginaw River is 589.3 feet NGVD29 (588.5 feet NAVD88).
 12. Fill within the 100-year floodplain is limited to 45 cubic yards.

13. The compensating cut (excavations) for floodplain fill, as authorized by this permit, shall be completed prior to, or concurrently with, the placement of the fill. The compensating cut and fill areas shall be properly stabilized to prevent soil erosion and off site sedimentation in conformance with Part 91, Soil Erosion and Sedimentation Control, of the NREPA.
14. Fill shall not be placed to prevent surface water drainage across the site. Site runoff shall be directed to public or natural drainage ways and not unnaturally discharged onto adjacent properties.
15. The permittee is cautioned that grade changes resulting in increased runoff onto adjacent property is subject to civil damage litigation.
16. All fill/backfill shall consist of clean inert material that will not cause siltation nor contain soluble chemicals, organic matter, pollutants, or contaminants. All fill shall be contained in such a manner so as not to erode into any surface water, floodplain, or wetland. All raw areas associated with the permitted activity shall be stabilized with sod and/or seed and mulch, riprap, or other technically effective methods as necessary to prevent erosion.
17. Unless specifically stated under the "Permitted Activity" of this permit, construction pads, haul roads, temporary structures, or other structural appurtenances to be placed in a floodplain are not authorized and shall not be constructed unless authorized by a separate permit or permit revision granted in accordance with the applicable law.
18. Under Appendix G of the Michigan Building Code 2009, a local building permit is required for development located in flood hazard areas.
19. The project is located within a community that participates in the National Flood Insurance Program (NFIP). As a participant in the NFIP, the community must comply with the Michigan Building Code (including Appendix G and listed supporting materials); the Michigan Residential Code; and Title 44 of the Code of Federal Regulations, Part 60, Criteria for Land Management and Use. The community is also responsible to ensure that its floodplain maps and studies are maintained to show changes to flood elevations and flood delineations as described in 44 CFR, Part 65, Identification and Mapping of Special Hazard Areas.
20. This permit is limited to authorizing the construction as specified above and carries with it no assurances or implications that associated lake, stream, wetland or floodplain areas can be developed and serviced by the structures authorized by this permit.
21. The permittee is hereby notified that portions of the parcel, not covered by this permit, fall under the regulatory authority of Part 301, Inland Lakes and Streams, and/or Part 31, Floodplain Regulatory Authority/Water Resources Protection, and/or Part 303, Wetlands Protection, of the NREPA. A permit from the EGLE Water Resources Division may be required for certain regulated activities. Failure to comply with the requirements of the NREPA may subject the owner to compliance actions as provided by statute.
22. Historic artifacts could occur on or near this project site and may be impacted by your activities. If during the course of construction artifacts are encountered, immediately contact the Office of the State Archaeologist, at 517-373-6358.

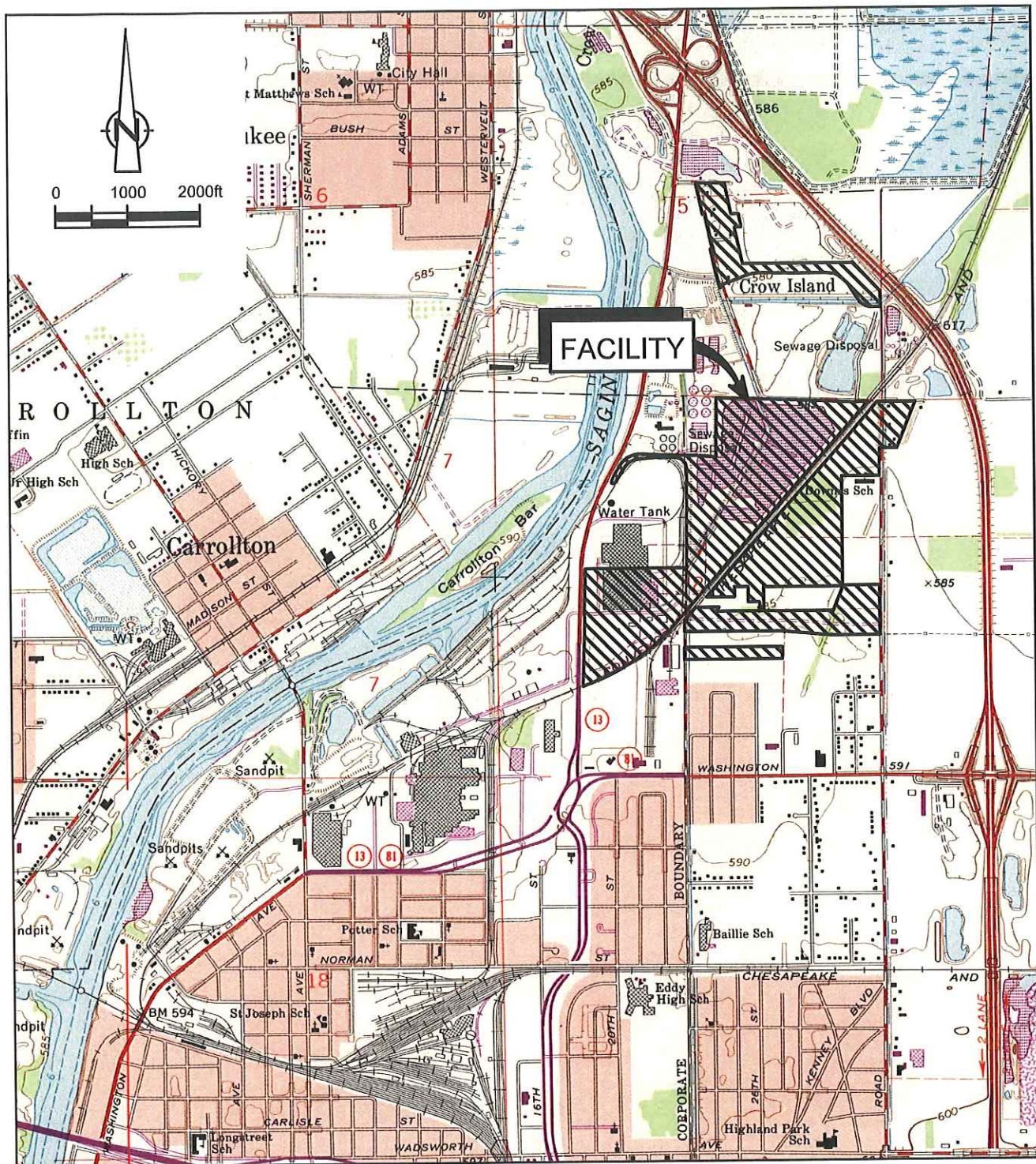
23. This permit is being issued for the maximum time allowed and no extensions of this permit will be granted. Initiation of the construction work authorized by this permit indicates the permittee's acceptance of this condition. The permit, when signed by EGLE, will be for a five-year period beginning on the date of issuance. If the project is not completed by the expiration date, a new permit must be sought.

Issued By: 
Whitney Hoppes
Environmental Quality Analyst
Bay City District Office
Water Resources Division
989-355-4959



Attached; Plans

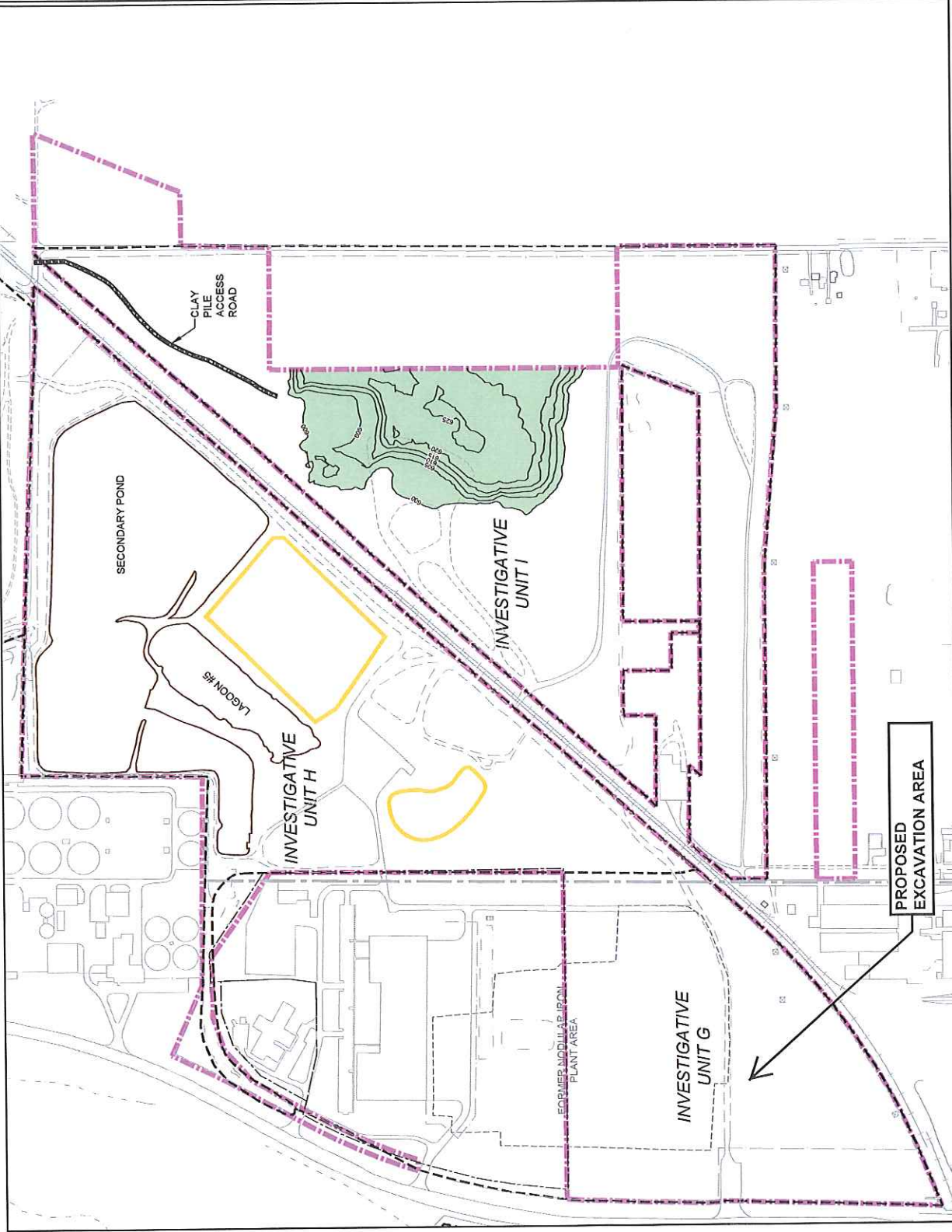
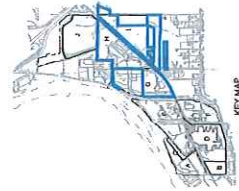
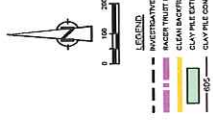
cc: City of Saginaw Clerk
Saginaw County Drain Commissioner
Saginaw County CEA
City of Saginaw Building Official/Floodplain Administrator
John-Eric Pardys- Agent



SOURCE: USGS 7.5 MINUTE TOPOGRAPHIC QUADRANGLE; SAGINAW, MICHIGAN 1967



figure 1.1
SITE LOCATION
REVITALIZING AUTOMOTIVE COMMUNITY
ENVIRONMENTAL RESPONSE
Saginaw, Michigan



RACER TRUST
 SAGINAW, MICHIGAN
 CLEAN BACKFILL STOCKPILES

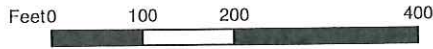


PROJECT NUMBER	58500-102	DATE	OCTOBER 2016
PROJECT NAME	CLEAN BACKFILL STOCKPILES	SCALE	AS SHOWN
CLIENT	RACER TRUST	PROJECT NUMBER	58500-102
DATE	OCTOBER 2016	SCALE	AS SHOWN
PROJECT NUMBER	58500-102	DATE	OCTOBER 2016
SCALE	AS SHOWN	PROJECT NUMBER	58500-102
DATE	OCTOBER 2016	SCALE	AS SHOWN



Figure 1. Wetland Location Map

NE 1424 Racer Trust Industrial Park
 Client: Menard, Inc.
 38.86-Acre Property at 2100 Veterans Memorial Parkway
 Section 8 of Buena Vista Twp., Saginaw Co., MI (T12N, R5E)
 Delineation Date: July 15 & 16, 2015
 Map Created: July 16, 2015



NISWANDER
ENVIRONMENTAL

9436 Maltby Road, Brighton, MI 48116
 810.225.0539 office | 810.225.0653 fax



NATIONAL FLOOD INSURANCE PROGRAM

FIRM
 FLOOD INSURANCE RATE MAP
 SAGINAW COUNTY,
 MICHIGAN
 (CALL JURISDICTIONS)

PANEL 85 OF 360
 (SEE MAP INDEX FOR PANELS NOT PRINTED)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
BIEN VISTA, CHARTER TOWNSHIP OF	26149	005	D
CARROLLTON, TOWNSHIP OF	26201	005	D
ACQUILLE, TOWNSHIP OF	26204	005	D
SAGINAW, CITY OF	26205	005	D
ZELMER, CITY OF	26225	005	D
ZELMER, TOWNSHIP OF	26226	005	D

Notice to Users: The Map Number shown below should be used with any order for the COMMUNITY NUMBER shown above should be used in insurance applications for the subject community.

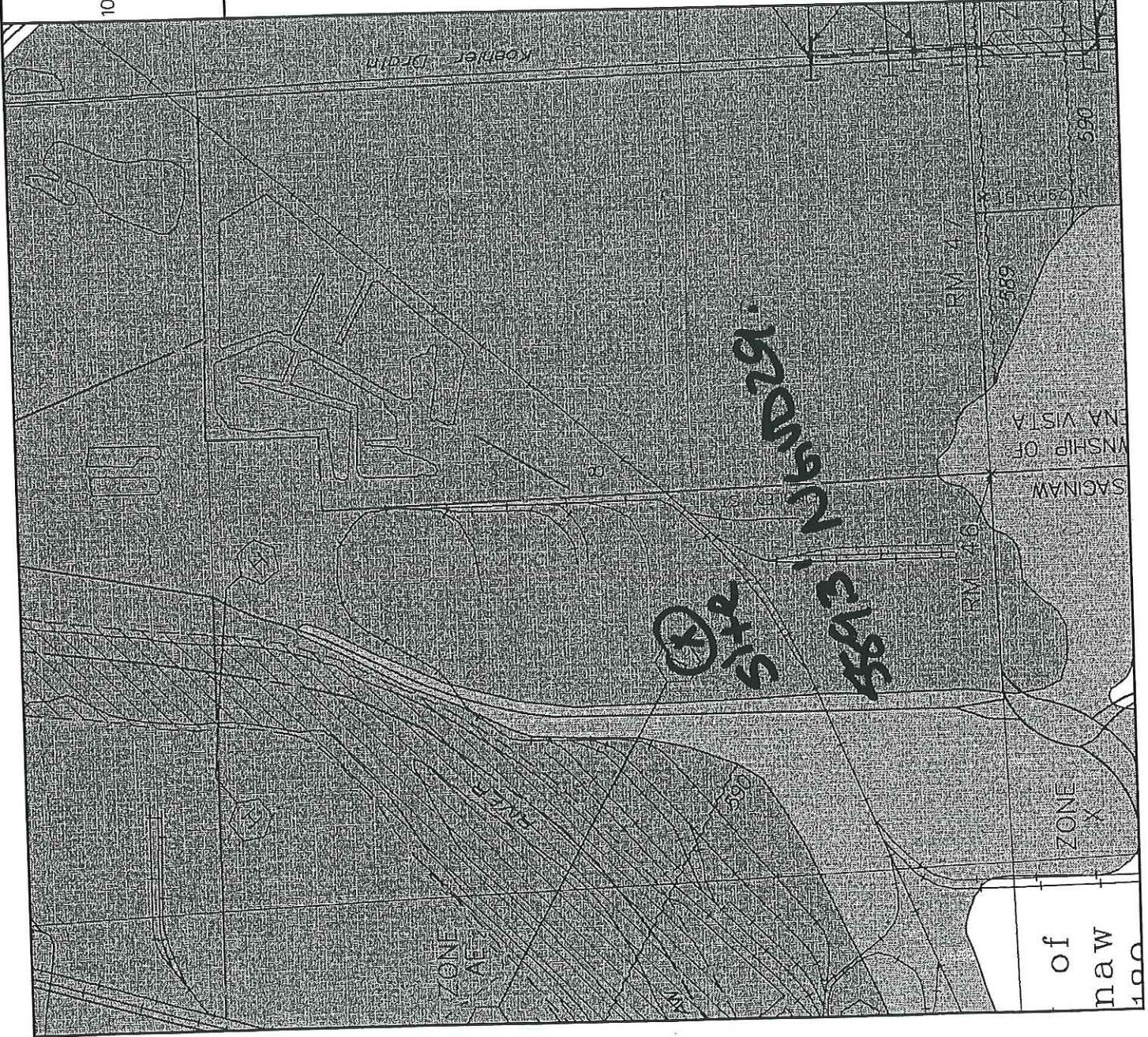
MAP NUMBER
 26145C0085 D

EFFECTIVE DATE:
 OCTOBER 16, 1997



Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-IRM On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov



FLOODING SOURCE		FLOODWAY			BASE FLOOD WATER SURFACE ELEVATION			
CROSS SECTION	DISTANCE ¹	WIDTH (FEET)	SECTION AREA (SQUARE FEET)	MEAN VELOCITY (FEET PER SECOND)	REGULATORY	WITHOUT FLOODWAY (FEET NGVD)	WITH FLOODWAY	INCREASE
Saginaw River								
A	11.802	923	14,252	4.8	587.2	587.2	587.3	0.1
B	12.569	1,416	20,955	3.3	587.8	587.8	587.9	0.1
C	13.249	1,085	15,405	4.4	588.0	588.0	588.1	0.1
D	13.747	1,195	17,540	3.9	588.3	588.3	588.4	0.1
E	14.385	537	14,224	4.8	588.6	588.6	588.7	0.1
F	14.407	540	10,764	6.4	588.6	588.6	588.6	0.0
G	15.156	713	15,498	4.4	589.1	589.1	589.2	0.1
H	15.612	545	13,361	5.1	589.3	589.3	589.4	0.1
I	16.169	1009	14,687	4.7	589.7	589.7	589.8	0.1
J	16.500	659	16,294	4.2	589.9	589.9	590.0	0.1
K	16.758	447	14,365	4.7	590.0	590.0	590.1	0.1
L	16.776	561	12,181	5.6	590.0	590.0	590.0	0.0
M	17.282	592	14,446	4.7	590.3	590.3	590.4	0.1
N	17.758	450	12,384	5.5	590.5	590.5	590.6	0.1
O	17.791	732	15,750	4.3	590.7	590.7	590.8	0.1
P	18.134	560	13,585	5.0	590.8	590.8	590.9	0.1
Q	18.161	531	12,616	5.4	590.8	590.8	590.8	0.0
R	18.268	518	12,345	5.5	590.8	590.8	590.9	0.1
S	18.335	430	12,428	5.5	590.9	590.9	591.0	0.1
T	18.431	441	10,255	6.6	590.8	590.8	590.9	0.1
U	18.598	435	11,431	5.9	591.1	591.1	591.2	0.1
V	18.871	460	12,171	5.6	591.3	591.3	591.4	0.1
W	18.939	550	11,467	5.9	591.3	591.3	591.4	0.1
X	19.432	510	11,830	5.7	591.7	591.7	591.8	0.1
Y	19.463	575	12,717	5.3	591.9	591.9	592.0	0.1
Z	20.116	510	10,866	6.3	592.2	592.2	592.3	0.1

¹Miles above mouth

FLOODWAY DATA

SAGINAW RIVER

FEDERAL EMERGENCY MANAGEMENT AGENCY

SAGINAW COUNTY, MI
(ALL JURISDICTIONS)

TABLE 7

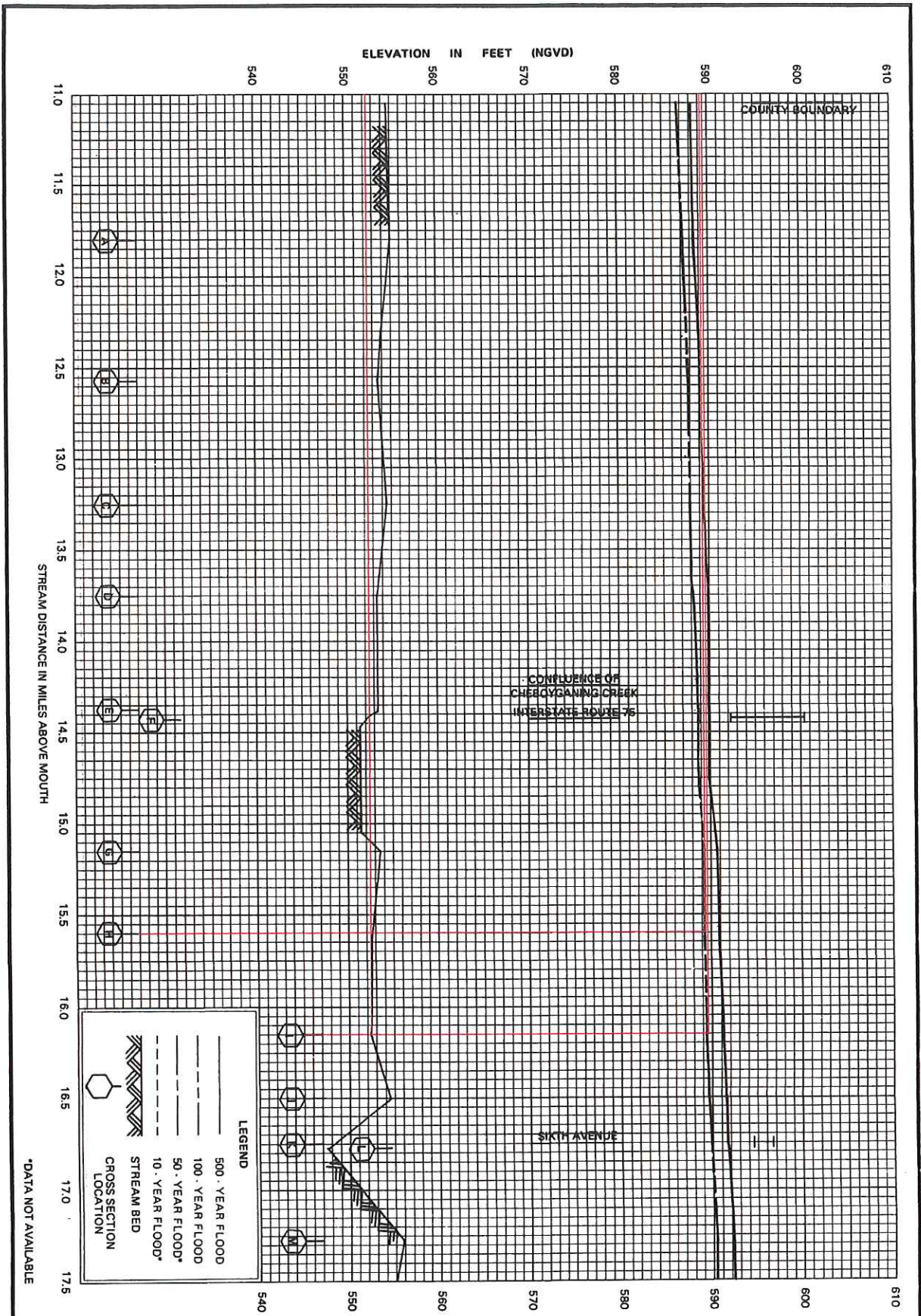




Photo 1 – Proposed Wetland Excavation Area



Site Photographs



Photo 2 – Proposed Wetland Excavation Area



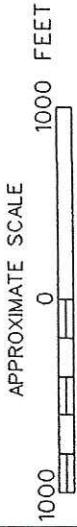
Site Photographs



Photo 3 – Proposed Wetland Excavation Area



Site Photographs



NATIONAL FLOOD INSURANCE PROGRAM

FIRM
 FLOOD INSURANCE RATE MAP
 SAGINAW COUNTY,
 MICHIGAN
 (CALL JURISDICTIONS)

PANEL 85 OF 360

(SEE MAP INDEX FOR PANELS NOT PRINTED)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
BIRCH WEAVER TOWNSHIP OF	260489	0085	0
CAROLINA TOWNSHIP OF	260801	0085	0
SCOTT TOWNSHIP OF	260821	0085	0
SAGINAW CITY OF	260889	0085	0
ELM HURST CITY OF	262085	0085	0
ELM HURST TOWNSHIP OF	262086	0085	0

Notice to User: This Map Number shown below should be used when placing map orders; the COMMUNITY NUMBER shown above should be used on insurance applications for the subject community.

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26145C0085 D

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Federal Emergency Management Agency

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